



MEMORANDUM

To: Monroe County Planning Commission

From: Benjamin W. Bolz, Sr. Planning Technician

Subject: The Administrative Variance Application for Tonia Sledd and Steven Miller

Date: May 18, 2005

I Request:

- 1) Applicant: Tonia Sledd and Richard Miller
- 2) Administrative Variance Application for a Front Yard Setback
- 3) Legal Description: Lot 15, Block 3, Bay Harbor Amended Subdivision, RE# 00480070-000000
- 4) Street Address: 227 South Bay Harbor Drive, Key Largo, Florida

II Background Information:

Land Use District: IS (Improved Subdivision)
FLUM: RM (Residential Medium)
Size of the Site: Approximately 5,050 square feet

Specific Purpose: The applicant is applying for a front yard setback variance of five feet resulting in a setback of twenty feet from the property line. On August 18, 2004, the Monroe County Board of County Commissioners passed Resolution No. 315-2004 which approved a Beneficial Use Determination for the subject property. The Beneficial Use Determination by the Special Master limited development clearing on the property to

2,000 square feet. The proposed front yard setback of twenty feet allows the development of a driveway and a single family residence within that 2,000 square foot clearing limit.

Community Character of Immediate Vicinity:

The community character of the immediate vicinity can be described as single family homes. The subdivision is in a Tier II area.

III Discussion of Compliance with the Land Development Regulations:

Section 9.5-523 (f) contains eight standards that must be met for application approval by the Director of The Planning and Environmental Resources Department. The Staff has made the following findings of fact and conclusions of law regarding the applicant's compliance with the standards for administrative variance approval.

- 1) The applicant shall demonstrate a showing of good and sufficient cause:

The applicant has submitted a complete application for construction of a single family residence and has agreed to abide by the Beneficial Use Determination.

- 2) Failure to grant the variance would result in exceptional hardship to the applicant:

The applicant's property is in Tier II. It is described as a hard wood hammock. There is a house on either side of the property and a large cleared area on the property itself.

- 3) Granting the variance will not result in increased public expenses, create a threat to public health and safety, create a public nuisance or cause fraud or victimization of the public:

Approval of the variance will not increase public expenses. The applicant is submitting plans for a single family residence in a residential zoning district. No fraud or victimization of the public would result in granting the variance.

- 4) The property has unique or peculiar circumstances which apply to the property but which do not apply to other properties in the same zoning district:

The property owner is limited in development clearing to 2,000 square feet.

- 5) Granting the variance will not give the applicant any special privilege denied other properties in the immediate neighborhood in terms of the provisions of this Chapter or established development patterns:

The applicant has designed a residence that conforms to all aspects of the Monroe County building regulations except for the front yard setback.. The applicant is not requesting any special privilege that would be denied to any other property owner.

- 6) Granting the variance is not based on disabilities, handicaps or health of the applicant or members of his family:

The applicant states that the application is not based on disabilities or handicaps of himself or a family member.

- 7) Granting the variance is not based on the domestic difficulties of the applicant or his family:

The applicant states that the application is not based on domestic difficulties.

- 8) The variance is the minimum necessary to provide relief to the applicant:

The applicant states that his variance application is the minimum necessary to provide relief. He is meeting all setback requirements except for one of the two front yard setbacks.

IV Staff Recommendation:

Based on the findings of fact and conclusions of law, the Planning Department staff recommends **APPROVAL** of the application with the following conditions:

The applicant shall apply for and obtain a building permit for construction of the single family residence subject to all regulations of Monroe County.